IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 11029 of 2004(K)

PETITIONER:

BABYKUTTAN PILLAI S/O.JANARDHANAN PILLAI
ASWATHI, VALLIKODE VILLAGE, KOZHENCHERRY,
(LICENSEE OF T.S.NO.19/04 OF PATHANAMTHITTA RANGE.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMERNT OF REVENUE AND EXCISE, SECRETARIAT, TRIVANDRUM.

2. THE COMMISSIONER OF EXCISE, EXCISE COMMISSIONER'S OFFICE, TRIVANDRUM.

3. THE DISTRICT COLLECTOR, PATHANAMTHITTA.

4. THE ASST.EXCISE COMMISSIONER, PATHANAMTHITTA.

5. THE EXCISE INSPECTOR, PATHANAMTHITTA RANGE.

BY PUBLIC PROSECUTOR SRI. SHYSON P. MANGUZHA.
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LICENCE NO.P.T.A.37/03 DTD 19.2.2003 ISSUED BY THE ASSISTANT COMMISSIONER OF EXCISE, PATHANAMTHITTA.

EXT.P2: COPY OF THE OCCURRENCE REPORT.

EXT.P3: COPY OF THE REPORT OF THE PREVENTIVE OFFICER.

EXT.P4: COPY OF THE REPORT NO. 6543 REGISTERED BY THE CHEMICAL ANALYST.

EXT.P5: COPY OF THE NOTICE ISSUED BY THE EXCISE INSPECTOR, PATHANAMTHITTA RANGE.

RESPONDENT' S EXHIBITS: NIL

.....

// TRUE COPY//

PIUS C. KURIAKOSE, J.

W.P.(C) NO.11029 of 2004

Dated this the 25th day of July , 2007

JUDGMENT

Heard Sri.M.V.S.Nampoothiry, the learned counsel for the petitioner and the learned public prosecutor.

2. Having regard to the principles emerging from the judgment of this court in **Unni. v. State of Kerala (2003 (3) KLT 306),** which has been affirmed by the Supreme Court in **Elamgulam Service Co-operative Bank Ltd. v. GopinathanNair (2007 (1) KLT 147)** reversing the judgment in **State of Kerala v. Unni (2005 (1) KLT 714)**, this writ petition is only to be allowed. Ext.P2 is quashed. No costs.

PIUS C. KURIAKOSE,

JUDGE.

Dpk